

AMENDED IN ASSEMBLY MARCH 14, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1796

Introduced by Assembly Member Bermudez
(Principal coauthor: Assembly Member Maze)
(Coauthors: Assembly Members Koretz, Tran, and Vargas)

January 9, 2006

An act to amend Sections 2082, 2177, ~~and 2221~~ of 2221, and 2442 of, and to add Sections 2015.5 and 2023 to, the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

AB 1796, as amended, Bermudez. ~~Physician and surgeon's certificate.~~ *Physicians and surgeons.*

Existing law, the Medical Practice Act, creates the Medical Board of California and makes its Division of Licensing responsible for issuing a ~~physician~~ *physician's* and surgeon's certificate to qualified applicants. Under the act, an applicant for a ~~physician~~ *physician's* and surgeon's certificate is required to include specified information with his or her application and to obtain a passing score on the licensure examination. The act authorizes the division to deny an application and to issue a probationary license that is subject to conditions of probation. *Under the act, the fee to renew a physician's and surgeon's certificate is waived if the practitioner certifies he or she provides voluntary, unpaid services.*

This bill would *authorize the board to establish advisory committees consisting of physicians and surgeons and public members, as specified, who are not required to be members of the board. The bill would also authorize the board to contract with a*

public or private organization to issue letters of good standing on its behalf.

The bill would require an applicant for a ~~physician~~ physician's and surgeon's certificate to disclose information related to any sexual misconduct or any sexual harassment settlement, judgment, or conviction and to obtain a passing score on a specified licensure examination within 4 attempts of taking it . The bill would authorize the Division of Licensing to require payment of the cost of monitoring as a condition of a probationary license and would specify that no applicant ~~may~~ is eligible to reapply until 3 years after the date of the decision denying his or her application for a ~~physician~~ physician's and surgeon's certificate.

The bill would specify that the fee to renew a physician's and surgeon's certificate is waived only for a practitioner residing in California who certifies his or her services are voluntary and unpaid.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2015.5 is added to the Business and*
2 *Professions Code, to read:*

3 *2015.5. The board may establish advisory committees*
4 *consisting of persons who have a physician's and surgeon's*
5 *certificate issued by the board that is in good standing and*
6 *members of the public with interest or knowledge of the subject*
7 *matter assigned to the committee. Members of an advisory*
8 *committee need not be members of the board.*

9 *SEC. 2. Section 2023 is added to the Business and*
10 *Professions Code, to read:*

11 *2023. The board may contract with a public or private*
12 *organization to issue letters of good standing on its behalf. On*
13 *and after January 1, 2007, if the board contracts for this service,*
14 *the contractor may collect and retain the fee for a letter of good*
15 *standing. A contract with an organization outside of state service*
16 *is subject to Section 19130 of the Government Code.*

17 ~~SECTION 1.~~

18 *SEC. 3. Section 2082 of the Business and Professions Code is*
19 *amended to read:*

20 *2082. Each application shall include the following:*

1 (a) A diploma issued by an approved medical school. The
2 requirements of the school shall have been at the time of granting
3 the diploma in no degree less than those required under this
4 chapter or by any preceding medical practice act at the time that
5 the diploma was granted. In lieu of a diploma, the applicant may
6 submit evidence satisfactory to the Division of Licensing of
7 having possessed the same.

8 (b) An official transcript or other official evidence satisfactory
9 to the division showing each approved medical school in which a
10 resident course of professional instruction was pursued covering
11 the minimum requirements for certification as a physician and
12 surgeon, and that a diploma and degree were granted by the
13 school.

14 (c) Other information concerning the professional instruction
15 and preliminary education of the applicant as the division may
16 require.

17 (d) An affidavit showing to the satisfaction of the division that
18 the applicant is the person named in each diploma and transcript
19 that he or she submits, that he or she is the lawful holder thereof,
20 and that the diploma or transcript was procured in the regular
21 course of professional instruction and examination without fraud
22 or misrepresentation.

23 (e) Either fingerprint cards or a copy of a completed Livescan
24 form from the applicant in order to establish the identity of the
25 applicant and in order to determine whether the applicant has a
26 record of any criminal convictions in this state or in any other
27 jurisdiction, including foreign countries. The information
28 obtained as a result of the fingerprinting of the applicant shall be
29 used in accordance with Section 11105 of the Penal Code, and to
30 determine whether the applicant is subject to denial of licensure
31 under the provisions of Division 1.5 (commencing with Section
32 475) and Section 2221.

33 (f) Complete disclosure of *all* information ~~related to~~ *regarding*
34 *any* sexual misconduct or *any* sexual harassment ~~accusations~~
35 ~~made against the applicant, including the settlement or dismissal~~
36 ~~of the accusation.~~ *settlement, judgment, or conviction.* Failure to
37 comply with this subdivision is grounds for the denial of the
38 application.

1 ~~SEC. 2.~~

2 ~~SEC. 4.~~ Section 2177 of the Business and Professions Code is
3 amended to read:

4 2177. (a) A passing score is required for an entire
5 examination or for each part of an examination, as established by
6 resolution of the Division of Licensing.

7 (b) Applicants may elect to take the written examinations
8 conducted or accepted by the division in separate parts.

9 (c) An applicant shall ~~obtain~~ *have obtained* a passing score on
10 Part III of the United States Medical Licensing Examination
11 within *not more than* ~~four attempts of taking it in order to be~~
12 ~~eligible for issuance of a physician~~ *attempts in order to be*
13 *eligible for a physician's and surgeon's certificate.*

14 ~~SEC. 3.~~

15 ~~SEC. 5.~~ Section 2221 of the Business and Professions Code is
16 amended to read:

17 2221. (a) The Division of Licensing may deny a ~~physician~~
18 *physician's and surgeon's certificate* to an applicant guilty of
19 unprofessional conduct or of any cause that would subject a
20 licensee to revocation or suspension of his or her license; or, the
21 division in its sole discretion, may issue a probationary ~~physician~~
22 *physician's and surgeon's certificate* to an applicant subject to
23 terms and conditions, including, but not limited to, any of the
24 following conditions of probation:

25 (1) Practice limited to a supervised, structured environment
26 where the licensee's activities shall be supervised by another
27 physician and surgeon.

28 (2) Total or partial restrictions on drug prescribing privileges
29 for controlled substances.

30 (3) Continuing medical or psychiatric treatment.

31 (4) Ongoing participation in a specified rehabilitation
32 program.

33 (5) Enrollment and successful completion of a clinical training
34 program.

35 (6) Abstention from the use of alcohol or drugs.

36 (7) Restrictions against engaging in certain types of medical
37 practice.

38 (8) Compliance with all provisions of this chapter.

39 (9) Payment of the cost of probation monitoring.

1 (b) The Division of Licensing may modify or terminate the
2 terms and conditions imposed on the probationary certificate
3 upon receipt of a petition from the licensee.

4 (c) Enforcement and monitoring of the probationary
5 conditions shall be under the jurisdiction of the Division of
6 Medical Quality in conjunction with the administrative hearing
7 procedures established pursuant to Sections 11371, 11372,
8 11373, and 11529 of the Government Code, and the review
9 procedures set forth in Section 2335.

10 (d) The Division of Licensing shall deny a ~~physician~~
11 *physician's* and surgeon's certificate to an applicant who is
12 required to register pursuant to Section 290 of the Penal Code.
13 This subdivision does not apply to an applicant who is required
14 to register as a sex offender pursuant to Section 290 of the Penal
15 Code solely because of a misdemeanor conviction under Section
16 314 of the Penal Code.

17 (e) An applicant shall not *be eligible to* reapply for a ~~physician~~
18 *physician's* and surgeon's certificate for a minimum of three
19 years from the effective date of the denial of his or her
20 application.

21 *SEC. 6. Section 2442 of the Business and Professions Code is*
22 *amended to read:*

23 2442. The renewal fee shall be waived for a physician and
24 surgeon *residing in California* who certifies to the Medical Board
25 of California that license renewal is for the sole purpose of
26 providing voluntary, unpaid service.